

*Handwritten signature/initials*

PATENT  
Customer No. 22,852  
Attorney Docket No. 03495.0320-01000  
(Formerly 05394.0011-01000)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                |   |                        |
|--------------------------------|---|------------------------|
| In re Application of:          | ) |                        |
|                                | ) |                        |
| COLE et al.                    | ) | Group Art Unit: 1634   |
|                                | ) |                        |
| Application No.: 10/802,796    | ) | Examiner: Unassigned   |
|                                | ) |                        |
| Filed: March 18, 2004          | ) |                        |
|                                | ) |                        |
| For: A METHOD FOR ISOLATING A  | ) | Confirmation No.: 6307 |
| POLYNUCLEOTIDE OF INTEREST     | ) |                        |
| FROM THE GENOME OF A           | ) |                        |
| MYCOBACTERIUM USING A BAC-     | ) |                        |
| BASED DNA LIBRARY, APPLICATION | ) |                        |
| TO THE DETECTION OF            | ) |                        |
| MYCOBACTERIA                   | ) |                        |
|                                | ) |                        |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

A copy of the listed foreign document is attached. Copies of the U.S. patent publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

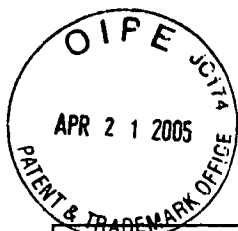
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 21, 2005

By: 

Kenneth J. Meyers  
Reg. No. 25,146  
Phone: (202) 408-4000  
Fax: (202) 408-4400  
E-mail: ken.meyers@finnegan.com



OMB No. 0651-0011

**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

|   |                                    |                     |                    |   |       |           |                            |
|---|------------------------------------|---------------------|--------------------|---|-------|-----------|----------------------------|
| Atty. Docket No.  | 3495.0320-01 (formerly 5394.0011 ) | Application No.     | 10/802,796         |   |       |           |                            |
| Applicant   |                                    | Stewart COLE et al. |                    |   |       |           |                            |
| Filing Date   |                                    | March 18, 2004      |                    | Group:  |       | 1634      |                            |
| <b>U.S PATENT DOCUMENTS</b>   |                                    |                     |                    |   |       |           |                            |
| Examiner Initial*   |                                    | Document Number     | Date               | Name  | Class | Sub Class | Filing Date If Appropriate |
| /J.H./  |                                    | 2003-0198974        | Published 10/23/03 | Cole et al.   |       |           | 9/30/02                    |
| /J.H./  |                                    | 6,183,957           | 02/06/01           | Cole et al.   |       |           |                            |
| /J.H./  |                                    | 6,492,506           | 12/10/02           | Cole et al.   |       |           |                            |
|   |                                    |                     |                    |   |       |           |                            |
|   |                                    |                     |                    |   |       |           |                            |
| <b>FOREIGN PATENT DOCUMENTS</b>   |                                    |                     |                    |   |       |           |                            |
|   |                                    | Document Number     | Date               | Country   | Class | Sub Class | Translation Yes or No      |
| /J.H./  |                                    | WO99/54487          | Oct. 1999          | PCT   |       |           |                            |
|   |                                    |                     |                    |   |       |           |                            |
|   |                                    |                     |                    |   |       |           |                            |
| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>   |                                    |                     |                    |   |       |           |                            |
|   |                                    |                     |                    |   |       |           |                            |
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|   |                                    |                     |                    |   |       |           |                            |
| Examiner /Julie Ha/   |                                    |                     |                    | Date Considered 10/3/2007                                 |       |           |                            |
| *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                                    |                     |                    |   |       |           |                            |
| Form PTO 1449   |                                    |                     |                    | Patent and Trademark Office - U.S. Department of Commerce |       |           |                            |